



STATE OF IDAHO
WATER DISTRICT 130
C/O IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
TELEPHONE NUMBER (208) 736-3033

IDWR DIRECTOR
KARL J. DREHER

February 26, 2004

**Re: Curtailment of Ground Water Rights with Priority Dates Junior to July 13, 1962,
Located in Water District No. 130, Thousand Springs Area**

Dear Water Right Holder:

The records of the Idaho Department of Water Resources ("IDWR") and Water District No. 130 indicate that you are the holder of one or more consumptive ground water rights with a priority date that is junior to July 13, 1962. On February 25, 2004, the Director of IDWR issued an order directing the watermaster of Water District No. 130 to notify you that ground water rights with priority dates junior to July 13, 1962 can not be diverted beginning April 1, 2004 (*see Order In the Matter of Distribution of Water Rights Nos. 36-15501, 36-02551, and 36-07694*). This order affects consumptive ground water rights bearing priority dates junior to July 13, 1962 for irrigation, commercial, industrial, municipal and other uses, including the irrigation of non-agricultural lands in excess of one-half acre.

The above referenced order was issued in response to a call for delivery of water rights owned by Rangen, Inc, which operates a fish hatchery facility that uses water from springs tributary to Billingsley Creek. The Director of IDWR determined that there has been a significant decrease in the spring-dependent water supply that is used at Rangen's fish facility and that this supply of water is not adequate to satisfy Rangen's water right no. 36-02551, bearing a priority date of July 13, 1962, which authorizes a maximum diversion rate of 48.54 cfs. The Director also determined that the diversion and use of ground water in Water District No. 130 authorized by water rights that are junior in priority to Rangen's water right no. 36-02551 cause material injury to Rangen's right. The Director concluded that Rangen's call for delivery of water pursuant to water right no. 36-02551 is a valid call.

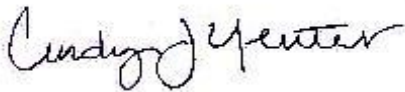
Holders of consumptive ground water rights in Water District No. 130 that are junior in priority to July 13, 1962, who are members of the North Snake Ground Water District or the Magic Valley Ground Water District will be allowed to continue diverting ground water pursuant to their rights after April 1, 2004 provided that certain actions are taken by the ground water districts as specified by the Director's order dated February 25, 2004. Specifically, ground water districts must provide replacement water either directly to Rangen in the amount of 16,000 acre-feet within the next year or submit a plan to the Director that provides 53,000 acre-feet of replacement water between April 1, 2004 and March 31, 2005, to increase spring discharges in

the Thousand Springs area. In the ground water districts, water cannot be diverted pursuant to consumptive ground water rights that are junior in priority to July 13, 1962 in 2004 until the Director has approved a replacement plan. If a plan is approved, but replacement water is not secured and/or supplied by the Ground Water Districts in accordance with the Director's order, then diversions pursuant to consumptive ground water rights that are junior in priority to July 13, 1962 may be curtailed beginning on August 15, 2004.

Holders of consumptive ground water rights in Water District No. 130 that are junior in priority to July 13, 1962, who are not members of any ground water district or who do not have an approved mitigation plan, must cease diversion of ground water under those rights beginning on April 1, 2004. However, holders of these rights that are not in a ground water district may petition the Director prior to March 15, 2004, setting forth the reasons why the right holder should not be subject to the Director's order, or proposing a plan to offset the depletions to the Eastern Snake Plain Aquifer caused by the diversion and use of ground water under that holder's water right.

A copy of the order signed by the Director dated February 25, 2004, may be found on the main page of IDWR's website at: www.idwr.state.id.us. IDWR or Water District No. 130 can send copies of the order to you upon request by regular mail or e-mail. If you have questions concerning the order and this correspondence, please contact the Water District No. 130 office or the IDWR Southern Regional office in Twin Falls at 208-736-3033, or contact the IDWR state office at 208-327-7900.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Yenter". The signature is fluid and cursive, with the first name "Cindy" and last name "Yenter" clearly distinguishable.

Cindy Yenter
Watermaster, Water District No. 130

cc: Karl J. Dreher, Director, IDWR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of February, 2004, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

CCalais

Crystal Calais
Administrative Assistant
Water Distribution Bureau

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